

of the article contained statements which implied that the article complied with the requirements for accuracy specified in CS1-52, which statements and implications were contrary to fact.

DISPOSITION: 3-28-61. Default—destruction.

**6601. Rubber prophylactics.** (F.D.C. No. 45401. S. No. 23-994 R.)

QUANTITY: 200 gross ctns. of 12 boxes each at Omaha, Nebr.

SHIPPED: 1-4-61, from North Kansas City, Mo., by Dean Rubber Mfg. Co.

LABEL IN PART: (Box) "One Dozen Peacocks Redi-Wet Rubbers in Foil \* \* \* Dean Rubber Mfg. Co., North Kansas City, Mo. \* \* \* An Aid In Preventing Venereal Diseases. No. 12."

RESULTS OF INVESTIGATION: Examination showed that 1.4 percent of the prophylactics examined were defective in that they contained holes.

LIBELED: 1-19-61, Dist. Nebr.

CHARGE: 501(c)—when shipped, the quality of the article fell below that which it purported to possess; and 502(a)—the label statement "An Aid In Preventing Venereal Diseases" was false and misleading as applied to an article containing holes.

DISPOSITION: 4-6-61. Consent—claimed by Dean Rubber Mfg. Co. The court ordered that the article be released under bond for the purpose of destruction except for 5 gross which were to be used by the claimant for testing and research purposes and thereafter destroyed.

#### DRUGS FOR VETERINARY USE

**6602. Medicated feed.** (F.D.C. No. 45161. S. No. 25-119 R.)

QUANTITY: 10 50-lb. bags at Concordia, Kans.

SHIPPED: Between 9-16-60 and 9-29-60, from Crete, Nebr., by Crete Mills, Div. of Lauhoff Grain Co.

LABEL IN PART: (Bag) "Victor (For Complete Ration) Pig Starter Medicated For Swine Only \* \* \* Arsanilic Acid 0.008% \* \* \* Manufactured by The Crete Mills, Division of Lauhoff Grain Company, Crete, Nebraska."

LIBELED: On or about 12-28-60, Dist. Kans.

CHARGE: 501(c)—when shipped, the strength of the article differed from that which it purported or was represented to possess; and 502(a)—the label statement "Arsanilic Acid 0.008%" was false and misleading as applied to the article which contained approximately 45 percent of the declared amount of arsanilic acid.

DISPOSITION: 3-2-61. Default—destruction.

**6603. Medicated feeds.** (F.D.C. No. 45123. S. Nos. 24-089/91 R.)

QUANTITY: 5 50-lb. bags of *egg ration*; 5 50-lb. bags of *Kwickies*; and 131 50-lb. bags of *pig and sow pellets*, at St. Joseph, Mo.

SHIPPED: Between 2-25-60 and 9-20-60, from Nebraska City, Nebr., by G. E. Conkey Co.

LABEL IN PART: (Tag) "Conkeys Y-O Plus Hi-C-50 Complete Commercial Egg Ration Medicated \* \* \* Active Drug Ingredients Furazolidone, 0.011% Oxytetracycline .025 grams per pound," "Conkeys Chlortetracycline (Aureomycin) Mixture \* \* \* Active Drug Ingredient Chlortetracycline (Aureomycin) Hydrochloride .1 gram per lb. \* \* \* Conkeys Kwickies Medicated

\* \* \* Manufactured by G. E. Conkey Co., Nebraska City, Nebraska Pellets"; and (bag) "Y-O Plus \* \* \* Manufactured by G. E. Conkey Co., Nebraska City, Neb. 27% Pig & Sow Pellets \* \* \* Active Drug Ingredient 3-Nitro-4-Hydroxyphenylarsonic Acid .00625%."

RESULTS OF INVESTIGATION: Analyses of the articles showed that *egg ration* contained approximately 3.64 percent of the declared amount of furazolidone, and approximately 19 percent of the declared amount of oxytetracycline; *Kwickies* contained approximately 61 percent of the declared amount of chlor-tetracycline hydrochloride; *pig and sow pellets* contained approximately 66.56 percent of the declared amount of 3-nitro-4-hydroxyphenylarsonic acid.

LIBELED: 12-1-60, W. Dist. Mo.

CHARGE: 501(c)—when shipped, the strength of the articles differed from that which they purported and were represented to possess.

DISPOSITION: 3-8-61. Default—destruction.

### DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

#### DRUGS FOR HUMAN USE\*

6604. Pearson Sakrin. (F.D.C. No. 43655. S. No. 72-388 P.)

QUANTITY: 99 cases, 36 btls. each, at Atlanta, Ga.

SHIPPED: 9-9-59, from New Providence, N.J., by Pearson Pharmacal Co., Inc.

LABEL IN PART: (Ctn.) "Pearson Sakrin Liquid Sweetener with Exclusive Daramin No Calories! No Sugar! No Salt! No Sodium!" and (btl.) "Pearson Sakrin Super-Concentrated Liquid Sweetener \* \* \* Contents 34 cc."

ACCOMPANYING LABELING: Leaflets in carton reading "The Pearson Sakrin Way to Slimness," and display cartons reading "Lose Weight! Stay Slim! \* \* \* Pearson Sakrin."

LIBELED: 11-5-59, N. Dist. Ga.

CHARGE: 502(a)—when shipped, the labeling contained false and misleading representations that the article was an adequate and effective treatment for weight reduction or for maintaining slimness.

The libel alleged also that the article was misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: On 1-4-60, Pearson Pharmacal Co., Inc., appeared and filed an answer to the libel, a claim to the property, and an application for an order removing the cause to the Southern District of Florida. On 1-18-60, the claimant's motion to remove was overruled and denied by the court in the following opinion:

SLOAN, *District Judge*: "On November 5, 1959, a libel of information was filed against the described property seeking its seizure and condemnation by reason of its allegedly having been misbranded within the meaning of the Federal Food, Drug and Cosmetic Act (21 U.S.C., § 301, et seq.) when introduced into interstate commerce. The articles were subsequently seized under an order of this Court. Pearson Pharmacal Company, Inc., a Florida corporation, on January 4, 1960, filed an answer to the libel and a claim to the property seized.

"Claimant has filed an application for an order removing the cause for trial to the United States District Court for the Southern District of Florida, Miami

\*See also Nos. 6582, 6583, 6589, 6592, 6593, 6596-6601.